

## **REMARKS**

In order to expedite prosecution and issuance for the instant application and in accordance with the fact that claim 30 was deemed allowable by the Examiner if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action dated March 14, 2006 to include all of the limitations of the base claim and any intervening claims. Applicants have amended claim 19, to incorporate the limitations of claims 28 and 30 into claim 19 without prejudice to pursue the subject matter of the cancelled claims in one or more related applications.

Applicants have therefore cancelled Claims 28 and 30 and amended claim 29 to correct dependency and also amended claim 22.

Claims 1-18 and 21 were previously cancelled.

Claims 19, 20, 22 to 27 and 29 are pending in the present application.

## **Examiner Interview**

Applicants thank Examiner Sorkin for his time spent on a telephonic interview on October 17, 2006. During that interview, applicants' agent and the Examiner discussed a proposed claim amendment and the §112 first paragraph rejection made by the Examiner with regards to claim 19 in the Final Office Action dated August 10, 2006.

## **Claims Rejection – 35 USC § 112**

Claims 19, 20 and 22-30 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and failing to comply with the enablement requirement.

The Examiner alleges that there is no support in the originally filed application for the recitation in claim 19 “the movement of only the corresponding magnet imposes a magnetic influence on the stirrer in the corresponding sample vessel.”

Of the claims rejected, amended claim 19 is independent with the remaining claims dependent thereon.

Applicants have amended claim 19 to address the Examiner's rejection.

Reconsideration and withdrawal of this rejection is earnestly solicited.

**Conclusion**

In view of the amendment and remarks herein, applicants submit the claims are patentably distinct over the prior art and allowable in form.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-1666.

If the Examiner has any questions or comments relating to the present application, he or she is respectfully invited to contact Applicant's agent at the telephone number set forth below.

Respectfully submitted,

/Mark Lindsey/

Mark Lindsey  
Agent for Applicants  
Registration No. 52,515  
(201) 847-6262

Dated: December 8, 2006.

Becton Dickinson and Company  
1 Becton Drive, MC110  
Franklin Lakes, New Jersey 07417

#117698v1